

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CITY OF SOUTH BEND,)
)
Plaintiff,)
)
v.) Cause No. 3:12-cv-475
)
)
HOLDER, et al.)
)
Defendants.)

SUPPLEMENT DESIGNATION OF MATERIALS

1. Phil Trent Deposition Transcript pages 24, 33, 37, and 40.

Respectfully submitted,

/s/Marielena Duerring
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CERTIFICATE OF SERVICE

I certify a copy of the foregoing was served upon all attorneys of record via the Court's ECF system on February 13, 2014.

/s/Marielena Duerring
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1 had you ever known any other police chief to take the
2 position that Darryl Boykins took that one day in rollcall
3 that only the chief can decide which lines are or are not
4 recorded?

5 A. It was understood that the chief had final authority. It
6 was never -- there was never an explicit statement made by
7 any previous chief.

8 Q. In your experience with any of the -- with the other
9 chiefs, if a phone line was going to be recorded that was
10 a private line assigned to a particular officer, would
11 that phone line be recorded without the knowledge and
12 consent of the officer assigned to that line?

13 A. Whenever there was discussion of recording phone lines,
14 because we had such limited resources for recording, there
15 was a lot of care taken in choosing which lines were going
16 to be recorded. So previously that had always been done
17 in a staff meeting, does this make sense, does this not
18 make sense to record this phone number.

19 So I -- could it have been at some point in time? Of
20 course. I wasn't present for the chief's meetings, but I
21 had never been in a meeting in which we discussed
22 surreptitious recording at all.

23 Q. Okay. Did you ever have any other conversation with
24 Darryl Boykins about the recording of phone lines other
25 than after the statement that he made in rollcall about a

1 Did you know when Chief Fautz was there that 6031 was
2 being recorded by the department?

3 A. I knew that the division chiefs' numbers into their office
4 were being recorded. Specific numbers, if you ask me
5 that, who was the owner of that number, I wouldn't have
6 the vaguest clue.

7 Q. All right. Fair enough. Was it -- and I'm just trying to
8 understand your testimony. Was it your understanding
9 through the chiefs that you had been under that it was the
10 chief's decision what line would or would not be recorded?

11 A. It's understood that the chief has a wide authority over
12 the policies and protocols at the department. However, up
13 to this point, the recording of phones had always been
14 discussed at command staff where individuals had input as
15 to the logic of recording which numbers, only because we
16 had such limited resources. So it was trying to do things
17 in the most logical possible way as opposed to simply
18 dictating what was going to be done.

19 Q. Who is Gene Kyle?

20 A. The predecessor to Chief Bishop. He was the investigative
21 division chief.

22 Q. There's been some testimony that Gene Kyle did not know
23 his number was being recorded when Chief Fautz chose to
24 record it. Are you aware of that?

25 A. No.

1 with respect to recording the division chiefs' line, was
2 it your understanding that there were law enforcement
3 purposes behind capturing those conversations?

4 A. Yes, yes.

5 Q. And that was the sole reason for recording those lines?

6 A. Yes.

7 MR. SULLIVAN: Counsel, object, "those lines."

8 BY MS. DUERRING:

9 Q. The division chiefs' lines?

10 A. Yes.

11 Q. Now, you indicated that there were several I believe you
12 characterized them as command meetings where the fact that
13 the division chiefs' lines would be recorded, that that
14 was discussed at those meetings?

15 | A. Yes.

16 Q. And at the time such discussions would have been held,
17 would Richmond ever have attended any of those meetings?

18 A. Yes.

19 Q. And so he would have been aware prior to his promotion to
20 division chief that division chief lines were recorded?

21 A. Yes.

22 Q. Now, you indicated that you had a conversation with Diana
23 Scott regarding removing Brian Young's lines, or line,
24 excuse me, or the phone number associated with that line
25 from the recording system; is that correct?

1 A. That is when the phone number was -- the chief's phone
2 number was -- that's when Steve Richmond became chief and
3 retained his old number in his new office.

4 Q. To your knowledge, was there any period of time that
5 Richmond actually utilized the line that was a recorded
6 line?

7 A. I don't know that.

8 Q. Was it your impression that the phone number transition
9 was simultaneous with him taking the position of division
10 chief?

11 A. Yes.

12 Q. So under that scenario, he would not have ever utilized a
13 recorded line?

14 A. I don't know if he took advantage of that at any point in
15 time or not.

16 Q. The impression that I've gotten is that under the Fautz
17 administration, he felt that it was important policy to
18 allow officers to consent to lines -- or their personal
19 lines being recorded; is that a fair statement?

20 A. I don't know whether it was -- I would characterize it as
21 consent as opposed to be -- just simply being advised.

22 Q. Can you tell me how you differentiate the two, that he's
23 asking permission versus just telling him he's got a
24 recorded line?

25 A. Being the chief, it was suggested in command staff that